

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
MIDLAND/ODESSA DIVISION**

SHOSHANA TRUST, ET AL.,

§

Appellants,

§

v.

No. MO-11-CV-043-H LH

MICHAEL RALEIGH, ET AL.,

§

Appellees.

§

§

§

§

**APPELLEE CHARLES BECKHAM'S MOTION TO STRIKE
"APPELLANTS" MOTION FOR RECONSIDERATION (Dkt. # 69)**

TO THE HONORABLE UNITED STATES DISTRICT COURT:

On May 19, 2011, the Court granted Appellee Charles Beckham's ("Beckham") Motion to Dismiss Appeals from Bankruptcy Court orders #58, 71-76, and 78 and dismissed the appeals from those order. *See* Order Granting Appellee Beckham's Motion to Dismiss ("Dismissal Order") [Dkt. # No. 53]. Appellant Israel Grossman, purporting to act on behalf of all Appellants, then filed a motion requesting that the Court (i) reconsider the Dismissal Order and (ii) certify Grossman's appeals for direct appeal to the Fifth Circuit. *See* Appellants' Motion for (1) Reconsideration . . . in Appealing Removal ("Motion for Reconsideration") [Dkt. # 69]. The Court should strike the Motion for Reconsideration because (i) Grossman has no authority to file pleadings on behalf of any Appellant and (ii) the Court has dismissed these appeals for lack of jurisdiction and as frivolous.

ARGUMENT AND AUTHORITIES

I. Israel Grossman is not an attorney and has no authority to represent any Appellant.

Israel Grossman has no authority to represent any person or entity before this Court other than himself. As the Court is aware, Grossman twice has been disbarred by the State of New York and is not admitted to practice in any other jurisdiction or before this Court. *In re Israel Grossman*, 51 A.D.3d 135, 2008 N.Y. App. Div. LEXIS 2396 (N.Y. App. Div. 2008).¹

Even if the other Appellants had authorized Grossman to file papers and present arguments in this Court on their behalf, he would be unable to do so. *See Rowland v. California Men's Colony*, 506 U.S. 194, 202-03 (U.S. 1993) (a non-attorney may not represent any artificial business entity pro se); *see also Gonzales v. Wyatt*, 157 F.3d 1016, 1022 n.2 (5th Cir. 1998) (noting that a nonlawyer appearing pro se cannot represent other parties) (citing 20 MOORE'S FEDERAL PRACTICE (3d ed.) § 303.21[3][b][iii][A], 303-43)).

Accordingly, Grossman does not represent any Appellant before this Court, and the Court should reject Grossman's effort to speak on their behalf and strike the Motion for Reconsideration.

II. The Court dismissed Appellants' appeals for lack of jurisdiction and as frivolous.

The Court found it lacked jurisdiction over any appeal from bankruptcy court order number 58. Dismissal Order at 1-2. Therefore, the Court lacks jurisdiction to take further action with respect to that order. *Id.* Also, the Court found that Appellants' remaining appeals were "frivolous appeals" causing "significant waste of judicial resources." *Id.* at 3. Such appeals do not merit certification for direct appeal to the Fifth Circuit, and the Court should strike Grossman's request for direct certification as yet another frivolous pleading. *See* 28. U.S.C. §

¹ Grossman's first disbarment stemmed from his conviction on 19 counts each of securities and mail fraud. *In re Grossman*, 51 A.D.3d at 137. The second was for lying on his application for reinstatement to the New York bar. *Id.* at 137-38.

158(d)(2).

CONCLUSION

For the foregoing reasons, Appellee Charles Beckham respectfully requests that the Court strike the Motion for Reconsideration in its entirety.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that on this 7th day of June, 2011, a true and correct copy of the foregoing instrument was served (i) via electronic means through transmission facilities from the Court upon those parties authorized to participate and access the Electronic Filing System for the Western District of Texas, and (ii) via the other methods indicated below.

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